

REMARKS

By the above actions, all of the claims have been amended. Additionally, submitted herewith are five sheets of replacement drawings, a substitute specification and a mark-up copy thereof. In view of these actions and the following remarks, further consideration of this application is requested.

The objection to the drawings under 37 CFR 1.83(a) and 1.84 has been obviated by the replacement drawings submitted herewith.

Likewise, the objections to the specification have been obviated by the substitute specification which amends the specification to correct all of the typographical and grammatical errors pointed out by the Examiner in the last Office Action. New matter has been added to the substitute specification as can be verified by the Examiner from a review of the mark-up copy thereof..

Both the objections to the claims and the rejection thereof under 35 USC §112, second paragraph, have been overcome by amending of the claims to correct the informalities noted by the Examiner , and by revising the claims to more particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The potential objection to claims 16-17 as being a substantial duplicate of claims 14-15 has been avoided by amending these claims to depend from different claims such that each of the claims 14-17 defines the invention in different terms.

Claims 1-4, 6-8, 12 & 13 have been rejected under 35 USC §103 over the combination of the Silvera '748 and Japanese '536 patents. This rejection is inappropriate for the following reasons.

As admitted by the Examiner in the last Office Action, the Silvera '748 patent neither discloses nor remotely suggests the recited mouthpiece having a mouth with an "inclining wall surrounding a second, open part of the mouth..." Applicant further notes that, Silvera '748, in effect, teaches away from the recited method steps in claim 1 of

"tilting the comb in over the sheaf of hair with an edge of points of teeth of the comb in contact with scalp or skin on which the hair is growing; combing the sheaf of hair by pulling the comb through the sheaf of hair with the edge of the teeth in contact with the scalp or skin, and tilting the comb out of the sheaf of hair,..."

Such tilting of the vacuum head 14 of Silvera is clearly unnecessary in view of the relatively short fur that this device is designed to clean. Even more importantly, such tilting would

break the vacuum coupling between the vacuum head 14 and the surface of the animal 70 during cleaning, thus undermining the operation of the vacuum head 14.

The Japanese '483 patent cannot begin to bridge the gap between the Silvera 748 patent and the invention recited in amended claim 1. All that this reference discloses is a nozzle for a cleaner having a curved comb 9 interfitted in a center section of a rear pipe having a protrusion 15 for cleaning a hole in a vertical groove at the rear of the nozzle. This reference neither discloses nor suggests the recited "comb covering a first, minor part of the mouth of the mouthpiece," To the contrary, this reference discloses a brush that covers about half of the nozzle. The disclosed brush would clearly be ineffective to remove fleas, lice, ticks, etc. from a sheaf of hair. Moreover, the bristles of the brush 5 are not "oriented at a transverse angle" to the longitudinal axis of the nozzle, but instead are substantially parallel thereto. And while this reference does disclose an inclined surface indicated at 9 in Figure 1, it also discloses a flange-like rear 7 that would clearly interfere with the suction coupling between the nozzle and a sheaf of hair if the nozzle were tilted into and out of such hair as recited in amended claim 1.

Accordingly, Applicant submits that reconsideration and withdrawal of the §103 rejection of amended claim 1 is appropriate, as the Examiner has failed to clearly articulate reasons why the invention would have been obvious in view of the combination of references as required by MPEP 2143. To the contrary, as demonstrated above, the implementation of the recited tilting steps would interfere with the operation of the nozzles disclosed in both references. Hence, far from having an incentive to combine the elements of Silvera and Japanese vacuum nozzles, a person of ordinary skill in the art has clear reasons not to combine these elements.

Claims 2 and 3 are patentable at least by reason of their dependency on amended claim 1.

Claim 4 recites, in apparatus terminology, the structure of the mouthpiece of the invention, and further recites that the comb "is fastened to a wall surrounding a first portion of a front end of the mouth and is oriented at a substantially orthogonal angle relative to the longitudinal axis of the mouthpiece..." By contrast, the Silvera '748 patent teaches away from this feature of amended claim 1. In this regard, the Examiner should note in particular the angle that the comb 58 is oriented Figure 3 of the '748 patent, and the text in column 1, line 39 and column 2, lines 49 and 62 describing the comb teeth as being inclined "at an

angle in the range of from about 140 to 160 degrees when the nozzle is positioned on an animal,” which corresponds to an angle from between about 20° to 40° with respect to the longitudinal axis of the vacuum head 14. And, as pointed out before, the bristles of the brush 5 of the Japanese patent are not “oriented at a at a substantially orthogonal angle” to the longitudinal axis of the nozzle, but instead are substantially parallel thereto. Accordingly claim 4 is patentable for at least the aforementioned reasons.

As the Examiner has indicated that claim 5 recites patentable subject matter, no further discussion of this claim is deemed necessary.

Claims 6-8 are patentable at least by reason of their dependency on amended claim 4.

As the Examiner has indicated that claims 9-11 recite patentable subject matter, no further discussion of these claims is deemed necessary.

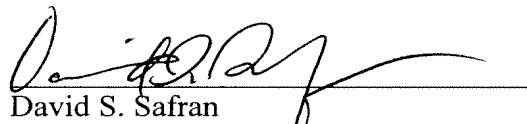
Claims 12 and 13 are patentable at least by reason of their dependency on amended claim 4.

As the Examiner has indicated that claims 14-17 recite patentable subject matter, no further discussion of these claims is deemed necessary.

While this application should now be in condition for allowance, in the event that any issues should remain after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for that purpose.

Lastly, accompanying this response is a request for extension of time petition and authorization to charge same to the deposit account of the undersigned’s firm. However, should this extension of time petition become separated from this Amendment, then it is requested that this Amendment be construed as containing such a petition and the fee therefore should be charged to Deposit Account No. 50-2478(742111-157).

Respectfully submitted,


David S. Safran
Registration No. 27,997

Customer No. 25570

Roberts Mlotkowski Safran & Cole, P.C.
PO Box 10064
McLean, VA 22102

Direct Telephone: (703) 584-3273